

**RULES
OF
THE UNIVERSITY OF TENNESSEE, HEALTH SCIENCE CENTER**

**CHAPTER 1720-3-3
STUDENT RIGHTS AND RESPONSIBILITIES**

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1720-3-3-.01 INTRODUCTION. It shall be the responsibility of each member of the University of Tennessee Health Science Center community to become acquainted with the policies and rules governing that community. Any violation of these policies and rules will be subject to disciplinary action that shall be stated in a later section entitled, "Disciplinary Regulations and Procedures".

Authority: T.C.A. §4-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986, see pages (iii) - (v)). Amendment filed November 17, 2000; effective March 30, 2001.

1720-3-3-.02 STANDARDS OF CONDUCT. Misconduct for which students are subject to discipline falls into the following categories:

- (1) Violation of written University policies and regulations as stipulated herein or inciting other students to violate written University policies and regulations as promulgated and announced by authorized personnel.
- (2) Failure to comply with directions of University officials acting in the performance of their duties.
- (3) Violation of properly constituted rules and regulations governing the use of motor vehicles on University-owned or -controlled property.
- (4) Failure to pay promptly all University bills, accounts, and other University financial obligations when due.
- (5) Forgery, alteration, destruction or misuse of University documents, records, or identification.
- (6) Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities, including its public service functions, or other authorized activities on University premises.
- (7) Physical abuse of any person, or other conduct which threatens or endangers the health or safety of any person, whether such conduct occurs on or off University property. In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution.
- (8) Theft, misappropriation or sale of or damage to property of the University or of an organization affiliated with the University or of a member of the University community or of (a) campus visitor(s).
- (9) Unauthorized use of or entry to University facility and unauthorized possession and use of access cards and keys to University facilities.
- (10) Disorderly conduct or lewd, indecent, or obscene conduct or expression on University-owned or -controlled property or at University sponsored or supervised functions.

(Rule 1720-3-3-.02, continued)

- (11) Groups of students gathering on or adjacent to the campus in manner which causes damage to public or private property, causes injuries to persons, or interferes with the orderly functioning of the University or the normal flow of traffic.
- (12) Violation of local, state, or federal law, whether on or off campus, when it appears that the student has acted in a way which adversely affects or seriously interferes with the University's normal educational function, or which injures or endangers the welfare of any member of the University community. Such violation includes, but is not limited to, violation of state or federal drug laws, commission of or attempt or threat to commit rape, murder, felonious assault, arson or any other felonious crime against person or property.
- (13) Possession while on University-owned-controlled property or at University sponsored or supervised activities, of any weapons such as, but not limited to, rifles, shotguns, ammunition, handguns, and air guns, including explosives such as firecrackers, etc. unless authorized in writing by the Director of Safety and Security.
- (14) Gambling on University-owned or -controlled property.
- (15) Unlawful use, manufacture, possession, distribution or dispensing of drugs or alcohol on University property or during University activities.
- (16) Possession or use of alcoholic beverages on University-owned or -controlled property.
- (17) Violation of professional ethics in clinical work and in dealing with patients and members of the medical community.
- (18) Finder's Fee: In order to maintain the highest ethical standards, to avoid any potential or perceived conflict of interest, and to protect its students and employees to the fullest extent possible. The University of Tennessee Health Science Center will not participate in and its employees and students are prohibited from participating in the payment of finder's fees to medical residents, physicians, nurses, or other individuals or entities for the recruitment of patients as participants in clinical investigations involving human subjects.
- (19) Participation of students in hazing activities. "Hazing" means any intentional or reckless act, on or off University property, by one student, acting alone or with others, which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety, and includes treatment of a violent, abusive, shameful, insulting, or humiliating nature. Such action is prohibited when connected with initiation into or affiliation with an organization and does not include participation in customary athletic events or similar competition.

Authority: T.C.A. §4-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed November 20, 1990; effective February 27, 1991. Amendment filed September 3, 1992; effective December 29, 1992. Amendment filed June 18, 1996; effective October 28, 1996. Amendment filed November 17, 2000; effective March 30, 2001.

1720-3-3-.03 STUDENT IDENTIFICATION CARDS.

- (1) All currently registered students are required to have a UT Health Science Center Student Identification Card. Lost and found I.D. cards should be reported to the office of campus Safety and Security. Replacement for lost cards may be obtained from the office of Safety and Security. A replacement charge will be assessed.
- (2) In order to determine the identity of students, all students are required to present their University identification (2) In order to determine the identity of students, all students are required to present their University identification cards promptly on request of a University police officer or member of the administration or faculty of the University. Identification cards will not ordinarily be retained; however, a card may be retained if an emergency situation exists or if the card may be needed as evidence. The retained card, if valid, will be returned to the student as soon as possible.

Authority: T.C.A. §4-9-209(e). **Administrative History** Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Amendment filed November 17, 2000; effective March 30, 2001.

1720-3-3-.04 INVESTIGATIONS OF STUDENT CONDUCT.

- (1) All University investigations shall be conducted in an ethical manner. Keeping in mind the rights of students, the following regulations shall be strictly observed.
- (2) Inspection and Search Policy: Entry by University authorities into occupied rooms in residence hall will be divided into three categories: inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University authorities in order to ascertain the health and safety conditions in the room, or to check the physical condition of the room, or to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations and/or city, state, or federal law. An emergency situation exists when the delay necessary to obtain search authorization constitutes a danger to persons, property, or the building itself.
- (3) Inspections: Scheduled inspections by campus authorities, with the exception of daily janitorial operations, shall be preceded, if possible, by twenty-four hours notice to the residents. During the inspection, there will be no search of drawers or closets or personal belongings.
- (4) Search: On-campus authorities will not enter a room for purposes of search without the permission of the resident or the written permission of the Director of Student Housing of the University in compliance with state law. University authorities shall have, if possible, the head resident of the hall or his designee accompany them on the search.
- (5) Resident Complaints: Should a resident believe that a University staff member has misused or abused his authority to inspect his room, the resident should file a complaint. The complaint may be filed orally or in writing with the Director of Housing and/or the Office of Student Life. The complaint will be investigated and appropriate action and response will be made.

Authority: T.C.A. §4-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed November 17, 2000; effective March 30, 2001.

1720-3-3-.05 THE JUDICIAL SYSTEM AND DUE PROCESS.

- (1) UT Health Science Center Hearing Procedures: Unless otherwise specified in the published policies and procedures of the UT Health Science Center, a student charged with misconduct or who is entitled to an opportunity for a hearing will, upon his request, be provided a hearing in accordance with the following procedures:
 - (a) Notice - A person charged with misconduct will receive written notification of the following:
 1. The substance of the charge(s) against him;
 2. The disciplinary action taken or proposed;
 3. His right to a hearing should he wish to contest the charge(s) or action;
 4. To whom a request for a hearing should be addressed;
 5. That a request for a hearing must be made within five (5) days of the person's receipt of this notice;
 6. His right to legal or other counsel. If representation by counsel is desired, he must provide notice of his intent to be represented by counsel concurrent with his request for a hearing; in the absence of such notice, the hearing panel will, within the dictates of justice, direct either that a hearing proceed without presence of counsel or that the hearing be postponed.
 7. His rights to a hearing in accordance with the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-108 *et seq.* In the absence of a voluntary written waiver of his rights to a hearing under the provisions of the UAPA, a requested hearing will be conducted in accordance with the University's APA hearing procedures shall not apply.
 - (b) Hearing Panel - A requested hearing will be provided by a panel of individuals or a hearing examiner, selected in accordance with policies of UT Health Science Center or, in the absence of applicable policies or procedures, by the Vice President for Health Affairs (or his designee). The hearing will be conducted by a panel chairman similarly selected. Panel members shall be impartial and anyone lacking such impartiality shall recuse himself or be removed by the Vice President for Health Affairs upon the request of any party to a hearing.
 - (c) Hearing Process - The chairman of a hearing will conduct the hearing, without regard to technical rules of procedure, in such manner as will best serve the cause of justice within the following general guidelines:
 1. Each party to a hearing will be afforded a full and fair opportunity to present all evidence including witnesses, reasonably relating to the charge or action at issue; evidence which is irrelevant, immaterial, repetitious or voluminous may be limited;
 2. The hearing panel will consider all evidence presented, giving due consideration to the credibility or weight of each item presented; technical rules of evidence will not apply;
 3. Each party will have the right to question opposing witnesses;
 4. An appropriate record will be made of the hearing procedures. However, defects in the record will not invalidate the proceedings;

(Rule 1720-3-3-.05, continued)

5. The University will have the burden of providing, by a preponderance of the evidence, the truth of the charge(s) at issue. Where the charge(s) is found to be true, the person charged will have the burden of proving that the disciplinary action taken or proposed is arbitrary, capricious, or unreasonable;
 6. Following the conclusion of the hearing, the hearing panel will consider the evidence and present written findings.
- (d) The decision of any board or administrative officer of The University of Tennessee is subject to review by the Vice President for Health Affairs and the President.
- (e) Disciplinary Actions and Penalties - Disciplinary actions are taken and penalties are assigned by staff members or appropriate committees and councils on the basis of all attendant circumstances. Official notifications are given by the appropriate office, and official records are maintained in that office. Efforts are made to keep penalties consistent with those applied to similar cases. However, in recognition of the fact that the University is an educational institution with a rehabilitative point of view, penalties are assessed in accordance with conditions accompanying each offense. The penalties which may be assessed for violations of University regulations are:
1. Residence Hall Probation: Residence Hall probation means that a resident is permitted to remain in the Residence Hall on a probationary status. If, during his probationary period, the student violates another house regulation, he may be asked to move from the Residence Hall by the Director of Student Housing or may be subject to other disciplinary action.
 2. Disciplinary Warning: A disciplinary warning is used for minor infractions and consists of restatement of the regulation violated with an official warning concerning future action.
 3. Disciplinary Reprimand: Disciplinary reprimands are used for minor infractions or misconduct where it is evident the misconduct occurred with knowledge and awareness of applicable University regulations. Reprimands may be given to students in either verbal or written form.
 4. Loss of Privilege: Loss of privilege is imposed in case of violations of a University standard. It is most commonly used in violation of regulations governing hours, residence halls, rushing, social standards and intramural sports, or misuse of University facilities. The loss of privilege is ordinarily established for a specific period of time, and actions are recorded in appropriate records.
 5. Disciplinary Probation: Disciplinary probation means that a student is permitted to remain in the University on a probationary status. Should a violation of regulations occur during probation, the student is normally suspended. Disciplinary probation is recorded on the student's personnel file in the Office of Student Life. Conditions of probation are specific to the individual case and may include loss of eligibility to serve as a student organization officer or participation in major student activities. Any specific probation conditions are described in a personal letter to the student.
 6. Suspension: Suspension, used in case of serious misconduct or violation of probation, means that the student is required to cancel his registration and is not eligible to apply for readmission for a designated period of time. Suspensions are always recorded on the student's permanent record. (Persons suspended from the University may not return to the campus for the duration of their suspension, except to conduct official business with an administrative officer or faculty member).

(Rule 1720-3-3-.05, continued)

7. Permanent Dismissal.

- (f) Emergency Powers: When in the judgment of the Chancellor of The University of Tennessee, Health Science Center conditions are such that an emergency exists which makes it impossible for the system of judicial boards to function, he may suspend these procedural regulations. If the procedures are suspended, he may substitute for them arrangements for handling disciplinary matters that will ensure the orderly functioning of the University and at the same time safeguard the basic rights of the students.

Authority: T.C.A. §4-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Amendment filed November 13, 1987; effective February 28, 1988. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed January 13, 1999; effective May 31, 1999. Amendment filed November 17, 2000; effective March 30, 2001.

1720-3-3-.06 REPEALED.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Repeal filed November 13, 1987; effective February 28, 1988.

1720-3-3-.07 STUDENT HEALTH INSURANCE. All students are required to obtain basic health care and medical care insurance to protect themselves, their families, their professional health care associates and providers. The student may elect to enroll in the UT Health Science Center student health insurance plan or obtain equivalent health insurance with a private carrier. Students who fail to furnish proof of insurance coverage will be prevented from completing their registration for that academic term.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995.